



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

[Handwritten signature]

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/402,294	10/01/1999	JAMES EDWIN HAILEY	RCA88752	5754

7590 08/14/2003

JOSEPH S TRIPOLI
THOMSON MULTIMEDIA LICENSING INC
PO BOX 5312
PRINCETON, NJ 08540

EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
----------	--------------

2611

[Handwritten number 8]

DATE MAILED: 08/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/402,294

Applicant(s)

HAILEY ET AL.

Examiner

Hunter B. Lonsberry

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 5/22/03 have been fully considered but they are not persuasive.

1) Applicant argues that Schein does not inherently contain data identifiers in a channel map and that the examiner has not shown via official notice that identifying Internet data with video program content is well known in the art. (Pages 8-9)

Regarding applicants argument 1, Noguchi discloses that the headers of the data received from the satellite are read and that the MPEG data is sent to decoder 25 and that EPG data is sent to buffer 51 (column 4, lines 27-43). As all the data is digital data, a packet id and program map must be included in order to read the data headers and transmit the data to the appropriate location. Newly cited U.S. Patent 6,018,764 to Field has been substituted for the examiner's official notice. Field discloses the use of a program map table and MPEG and HTML PIDs (columns 5-6). Schein must include an identifier associating video content with internet content as Schein discloses in Figure 13b, a video image with a menu with an option for more information on the current football game, a user then makes a connection to a database/internet 612 which provides more information about the current game (paragraphs 72-76), this would not be possible without an identifier associating the video program with the additional information on the game.

2) Applicant argues that Schein does not show a first decoded output is variable between 0-100%. (Page 9).

Regarding applicants argument 2, the examiner directs the applicant to Figures 13A, 13B and 17B. Figure 13A clearly shows a video image 732 with 100% of the video displayed. Figure 13B clearly shows an image 732 with content 730 blocking a portion of image 732, which is somewhere between 0-100% visible. Figure 17B, shows a football game image in the lower right hand corner which is significantly smaller than the rest of the video content. The claim language of claim 6 requires that the proportion of the video image contributed by the decoded output is variable between 0 and 100%, which Figures 13A/B and Figure 17B show.

3) Applicant argues that the Combination of Schein, Noguchi and Chaddha would be incompatible as Chaddha is directed to a streaming environment (pages 10-11).

Regarding applicants argument 3, Chaddha discloses a streaming media system, which includes an annotation stream, which is synchronized at various points with the video. Schein discloses the reception of both Internet and video data. The use of streaming data is well known in the art, in particular, Noguchi discloses a system, which transmits MPEG video to a user. <http://www.webopedia.com/TERM/s/streaming.html> defines streaming as "a technique for transferring data such that it can be processed as a steady and continuous stream....With streaming, the client browser or plug in can start displaying the data before the entire file has been transmitted." In a digital network such as Noguchi, which transmits MPEG video over a plurality of channels, a video program is streamed to a user, thus enabling a program to be viewed without transmitting the entire video image. As both Chaddha and Noguchi utilize streaming video, and Schein discloses receiving Internet data, the combination of the three would

result in a system, which receives both MPEG video and related Internet content which is synchronized with MPEG video.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, and 4-7, 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 2002/0138840-A1 to Schein in view of U.S. Patent 6,426,779-B1 to Noguchi and U.S. Patent 6,018,764 to Field.

Regarding claims 1, 9, 15, 18, and 19, Schein discloses in Figures 9 and 10, a PCTV system which integrates Internet data with television information, processor 552 is utilized to decode Internet information for display on a television, the Internet information may be in the TCP/IP format and is retrieved via a cable modem, both the Internet data and television data may be displayed simultaneously, the proportion of the displayed Internet or video data is variable as a percentage of the outputted video based on the current video mode (page 2, paragraphs 25-27, page 6, paragraphs 52-57, page 7 paragraphs 61-67, page 9, column 72-74, Figures 13, 15, 17). Schein inherently contains data identifiers in a channel map for associating the currently displayed program with Internet content as Schein discloses that a user watching a sports game may establish an Internet connection via the EPG to retrieve statistics and

products associated with the current game (Page 8, paragraph 64). Schein does not disclose the use of a processor for decoding MPEG compatible data, and identifiers for identifying MPEG or Internet content. Noguchi discloses in Figure 3, a set top box 3 with MPEG video and audio decoders 25 and 26 and NTSC converter 27, EPG and MPEG data are sent together via satellite, the CPU retrieves the EPG data for display and the data is superimposed over the video image (column 4, line 27-column 7, line 32). Field discloses a TV broadcast system which utilizes packet ids and a program map to identify HTML data within an MPEG 2 video stream by reading the PIDs (column 5, line 3-column 6, line 53). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the PCTV system of Schein to include the MPEG decoder of Noguchi and to include a digital identifier to designate the type of content as taught by Field, thereby allowing a user to integrate digitally encoded programs with supplemental content from the Internet.

Regarding claims 2 and 10, Noguchi discloses that both the EPG and MPEG data are received via satellite. Noguchi inherently includes an identifier to designate which data packets are MPEG streams, and which packets are EPG data. Field discloses a TV broadcast system which utilizes packet ids and a program map to identify HTML data within an MPEG 2 video stream by reading the PIDs (column 5, line 3-column 6, line 53).

Regarding claim 4, Schein discloses that an Internet data based EPG may display an index of television programs (page 7, paragraph 61). Field discloses a TV broadcast system which utilizes packet ids and a program map to identify HTML data

within an MPEG 2 video stream by reading the PIDs (column 5, line 3-column 6, line 53).

Regarding claim 5, Schein discloses that the Internet data may be encoded in TCP/IP (Page 8, paragraph 66).

Regarding claim 6, Schein discloses that the video data is variable between 0 and 100% (Figures 13A, B, 16A).

Regarding claim 7, Regarding claim 1, Schein discloses a PCTV system which integrates Internet data with television information. Schein inherently makes use of pixel memory to store an image prior to output, as memory is required to mix the two signals together prior to display.

Regarding claims 17 and 20, Schein discloses in Figure 12B that the outputted video may transmit the video and Internet data as separate images within the composite video signal, and that the proportion of video and Internet data displayed is user selectable by pressing a button (page 8, paragraph 64).

Regarding claim 11 and 12, Schein discloses in Figures 14A-E, a VOD ordering system which requires a user to input a password or access code prior to order video or making a financial transaction, once the password/access code is accepted the video may be delivered (page 10, paragraph 85). The examiner takes official notice that the use of encryption to prevent a user from viewing material is well known in the art. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combined system of Schein and Noguchi to include encryption to restrict unauthorized users from accessing products or services.

Regarding claims 13, 14, and 16, Schein discloses that a user watching a sports game may establish an Internet connection via the EPG to retrieve statistics and products associated with the current game which are user selectable, the data may be encoded in HTTP or TCP/IP (Page 8, paragraph 64-66).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 2002/0138840-A1 to Schein in view of U.S. Patent 6,426,779-B1 to Noguchi U.S. Patent 6,018,764 to Field in further view of U.S. Patent 6,173,317 to Chaddha.

Regarding claim 3, the combined system of Schein and Noguchi discloses a PCTV system which supplements video data with Internet content. The combined system of Schein, Field and Noguchi does not disclose that the Internet data is synchronized with the MPEG data. Chaddha discloses in Figures 4-8, the use of an annotation stream which is synchronized with the video content and displayed simultaneously (column 7, line 15-column 8, line 45). Therefore it would have been obvious to one skilled in the art at the time of invention to modify the combined system of Schein and Noguchi to include the synchronization between the video and data streams as taught by Chaddha, thereby enabling the Internet data to be seen alongside the video data without user input.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 2002/0138840-A1 to Schein in view of U.S. Patent 6,426,779-B1 to Noguchi and U.S. Patent 6,018,764 to Field in view of U.S. Patent 6,240,555 to Shoff.

Regarding claim 8, Schein discloses in Figure 12B that the outputted video may transmit the video and Internet data as separate images within the composite video signal, and that the proportion of video and Internet data displayed is user selectable by pressing a button (page 8, paragraph 64). Schein, Field and Noguchi do not disclose that the proportion of the composite image is based upon formatting received in the input video data. Shoff discloses a system in which a video stream is synchronized with supplemental data, a display layout is also transmitted and may be automatically interpreted by a processor, which then reformats the display to include the video and supplemental content (Figure 8, column 9, lines 30-column 10, line 58). Therefore it would have been obvious to one skilled in the art at the time of invention to modify Schein, Noguchi and Field to include the formatting instruction of Shoff in order to display the composite video image in a viewing format as intended by the author.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5359 for regular communications and 703-872-9314 for After Final communications.

Application/Control Number: 09/402,294
Art Unit: 2611

Page 9

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

HBL
August 8, 2003


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600